

Amended – 3/4/16
Mayor’s Advisory Work Group: Historic Preservation Ordinance
Minutes of the February 4, 2016 Meeting

Stephen P. Clark Center
111 NW 1st Street
29th Floor, Room 29A
Miami, FL 33128

I. INTRODUCTION – Arva Moore Parks, Chair – the meeting started at 9:15 a.m.

Advisory Work Group Members – Roll Call:

Morris Broad, Vice Chair	Present
Rodolphe el-Khoury	Absent
Neisen Kasdin	Absent for Roll Call (arrived at 9:29 am)
Becky Roper Matkov	Present
Dolly McIntyre	Present
Arva Moore Parks	Present
Stan Price	Absent
Lyle Stern	Present
Ramon Trias	Present
R. Jollivette Frazier	Present

Audience Present:

Kathleen Kauffman, Chief, Miami-Dade County Historic Preservation Office; Sarah Cody, Historic Preservation Planner, Miami-Dade County Historic Preservation Office; Jeff Ransom, Archaeologist, Miami-Dade County Historic Preservation Office; Mitch Novick, Historic Preservation Board Member; JoEllen Phillips, Chair, Miami-Dade County Historic Preservation Board; J. Bruce Ehrenhaft, Dade Heritage Trust; Jack Osterholt, Deputy Mayor/RER Director; Lourdes Gomez, RER Deputy Director; Margie A. Robinson, Commissioner Heyman’s office; Patricia Cohen; Avra Jain; Scott Silver, Esq.; Mario Morlote, Chief, Intergovernmental & External Affairs, RER Department; Tere Florin, Communications Liaison, RER Department; Eddie Kirtley, County Attorney’s Office; Michael S. Weiss, Office of the Mayor; Marilyn Carroll, Surfside; and Daniel Ciraldo.

II. APPROVAL OF THE MINUTES – January 7, 2016

Arva Moore Parks, Chair: Asked members if there were any corrections to the minutes of January 7, 2016.

Dolly McIntyre asked for a correction on page 20, where it says South Miami Association it should be noted that it is the Neighborhood Association.

Minutes were approved by group vote.

Morris Broad, Vice Chair	Yes
Rodolphe el-Khoury	Absent
Neisen Kasdin	Yes
Becky Roper Matkov	Yes
Dolly McIntyre	Yes
Arva Moore Parks	Yes
Stan Price	Absent
Lyle Stern	Absent
Ramon Trias	Yes
R. Jollivette Frazier	Yes

III. DISCUSSION ON TDR PROGRAMS AND OTHER ECONOMIC INCENTIVES

A. INVITED GUESTS FOR DISCUSSION – LUCIA DOUGHERTY, AVRA JAIN AND SCOTT SILVER

Arva Moore Parks, Chair: We had asked for some information as to the TDR's to get a better understanding because it is not in the Dade County Ordinance at all, and it is in many other ordinances, including the City of Miami and Coral Gables. We want to learn about it because it is a very powerful economic incentive. We also talked about a possibility of a TDR bank.

Ramon Trias: Asked if the Chair could introduce the guest speakers.

Arva Moore Parks, Chair: Well Avra Jain redeveloped the wonderful motel, the Vagabond, on Biscayne Boulevard, that's been so successful. She also purchased the Miami River Inn and she is also now involved in Little Havana and has proved that preservation is economically viable.

Becky Roper Matkov: Scott Silver is a board member of the Dade Heritage Trust, he is also an attorney and he has also been involved in several other preservation projects, and was a part of the mediation for saving the Tequesta village in downtown Miami.

Arva Moore Parks, Chair: Lucia Dougherty is an attorney and she has fought on both sides of the aisle, and she is not present yet and maybe when she arrives she can speak, but in the meantime, we can start without her.

Becky Roper Matkov: We had a Florida Trust Conference last May and we talked about economic incentives for historic properties, and Avra and Scott were both speakers, and I thought since they have had personal experience with this, that they can offer a lot of insight in how it works. The City of Miami and Coral Gables has it, and Ramon knows about that in detail as well. If we could make preservation more marketable, so that there is a greater demand

as to the TDRs, that is probably the strongest argument that we have in making historic properties that are in highly developable areas economically feasible and desirable. So she is thrilled that these two people are here and Lucia, who has an incredible amount of legal knowledge and hopefully will be here soon.

Arva Moore Parks, Chair: Avra if you could tell us about your successes.

Avra Jain: The Vagabond was the first property that actually completed a TDR transaction in the City of Miami. So what she found was that since the TDR program was made available, none of the paperwork was in place and she worked with Lucia to develop the application with the City so that we could actually complete the program that was offered. I just want to say overall just for preservation, if there are incentives offered, you have to make them easier to obtain. My properties are big enough that I can afford to hire professionals such as Lucia and Gary Appel or other people to help me, but what about the smaller property owners? They can't. So to go through the TDR process, you have to hire an architect, engineer, and land use attorney, and that is difficult for most people. So it's not really accurate to say TDRs are easily available even if your property qualifies. You aren't automatically given TDRs, but you can be eligible for them, but people don't understand the difference between that. For small properties, TDRs are not an option. You can't really do it for less than \$25,000 and that is if you know what you are doing.

Some of these programs, like the tax abatement program, you might spend at least one third of what you were going to receive in abatement on attorneys. When this is the case, these programs are no longer interesting to a developer. I would suggest that we find a way to standardize these procedures so that anyone can understand how to go through the process. As far as TDRs are concerned, I can tell you that I get calls every week about it and I can tell you that there is 5 to 10 million square feet of TDRs out there right now and there are not enough developers for TDRs and there is no market for TDRs right now. So TDRs might sound great, but in fact someone called me up and asked Avra should I buy this property with TDRs I would say absolutely not. People are not being properly educated as to how TDRs work.

First of all, people need to understand that TDRs is an obligation and not a freebie and there are a lot of hurdles, that they have to invest in the properties and there is a covenant that runs with the property and an obligation to maintain the property. So everyone rushes to do it, but they don't understand that there is an obligation that goes along with the TDRs and people think that there is a market for them right now when in fact there isn't. So I'm fortunate because I can use my own TDRs to invest on my own properties. I am a developer, I can take the TDRs and transfer them to my other properties, but if you ask me right now how much they are worth, I don't know, maybe \$4.

Becky Roper Matkov: How do you transfer it to your own property?

Avra Jain: Just like I would sell it to somebody else. I'm an eligible transferor and I'm an eligible receiver. So the process is that I invest the TDRs; I have a certificate of eligibility; and

then I identify my own property, or somebody else's property who is an eligible receiver in a T-6 transect zone who is looking to up-zone their property. The City of Miami has in place the right for property owners to buy bonuses for their existing buildings. They can buy them from the City, where there are set prices, which the City has talked about raising those prices for a long time. Every year, the City is supposed to analyze how much a transferable development right is worth. So as property values go up, TDRs should go up, because the air rights are worth more as property values go up. The City has never done that. The first thing I would recommend is that the City reset the price, so that there is a formula for it that makes it a fair market value. I am not sure how much that actually helps, because I'm not aware of any developers who have bought TDRs directly from the City. In fact, I am hearing rumors that the City may be creating their own TDRs on their own historic buildings, so now as a private property owner with TDRs to sell, I will be competing against the City with their own TDRs. Scott, do you think there's a market out there for TDRs?

Scott Silver: I know of your buildings and I know of the Walgreens building downtown, who sold their TDRs. I am not aware of more than a handful who have successfully sold their TDRs.

Becky Roper Matkov: 1 Flagler, which is Harvey Hernandez's building, they worked with Richard Heisenbottle and I wrote the historic designation for them as a consultant. They sold their TDRs for millions in the last year.

Avra Jain: Right, and sold his TDRs to one of his own developments. Trinity Church called me and said they have 2 million square feet of TDRs, but there really isn't a market for them to sell.

Becky Roper Matkov: If there is not a market, I think what we would like to figure out, is how can you restructure the program to create a market?

Scott Silver: The creation of TDRs is an illusion.

Arva Moore Parks, Chair: Scott, tell us about yourself a bit before you speak.

Scott Silver: I am an attorney; I have been a developer for 30 years. I represent developers, landlords, brokers, tenants, etc. all over town. I worked in some of the initial brokerage in the Met 1, 2, and 3 developments. I renovated the Palmetto Bay village center and have done projects in Coral Gables, Coconut Grove, and in Brickell. I acted as the lawyer for DHT on the Miami Herald designation. I represented DHT in the Tequesta Indian village mediation under Met Square. With regard to TDRs, the most important thing is to create a market. I get asked the same question all the time, "I have TDRs, where can I sell them?" Property owners don't understand there is an entire process they have to go through. So how do you create a market? I know there is a City ordinance, and I know this group is working on the County ordinance, but that could hopefully segue into modifying the City ordinance too. The only time TDRs will have a market is in a super-heated market, where people are building high-rises in a T-6 zone. If there was ever a time that that was super-heated, it's now. Avra did it, a few other people did

it, but there are millions of square feet in TDRs available that are not sold and developers have no demand for right now. I don't see anybody right now who is starting who is going to need any of those TDRs. If you just go with the ebb and flow of these boom and bust cycles, you're going to wind up with the peak demand for them, and you're going to have people trying to buy historic properties and develop them. So it is kind of counter-intuitive. You're going to have so much pressure on properties at the same time that you could create the market. So then there is pressure on historic properties, and developers who might want to buy them, or might want to infringe upon them in some way.

I think what you do is you allow the TDRs to be donated to an organization involved in historic preservation. My first suggestion would be DHT, of course; also Miami Design Preservation League might be a good option.

Avra Jain: I have actually asked Lucia about that. What if we could donate TDRs to a non-profit, like the museums, and then let them resell them as the market demand increases?

Scott Silver: I think it might work with these organizations, because the developer and property owner wants to get rid of these and make money from it. But if we tell them that they have to leap all of these hurdles, and for one, if they have to have \$25,000 just to get something done, that is a big hurdle. But once you do that, you don't have any place to sell it, but if you donate it and write the ordinance in such a way that allows it that way, I feel it would be a great idea. So you're actually encouraging your purpose for preservation, but it can be any non-for-profit organization and those entities have many cycles and they are going to be around for 50 or more years. So it would be able to go with the flow of development and when the time is right they can sell them. The donor gets a tax deduction, and maybe there can be some percentage abatement on the municipal part or the Miami-Dade tax assessment or something. It is much better for them if they find a developer like Avra did that they can give a check and then you walk. If you don't do that, then you'll have this backlog of properties that have TDR rights. So we want to encourage them to strip the property of the developable rights right away in order to protect the historic property.

Arva Moore Parks, Chair: She thinks that is a great idea.

Avra Jain: Because once they strip the rights away then the properties are encumbered. There is a covenant that runs with the property. There is a maintenance obligation, and there are a lot of things that come with it. What if they donate at the City or market price, minus 20% or whatever, if it's \$20 in the City and if I donated it at a discount let's say \$15 and the market price if \$5 I might just as well put it in the trash can. Now the non-profit if they turn it around and sell it for \$5 or \$6 dollars along the line, will I still get credit?

Scott Silver: Yes, a donation can be for a fair market value if I am a property owner. Is the City's currently set for \$8?

Avra Jain: No the City's goes from \$12 to \$19.

Scott Silver: I think two years ago it was \$8.50.

Avra Jain: No, on the original map it was \$12 in Edgewater, \$14 in Coconut Grove and \$19 in Miami Beach.

Scott Silver: So the reality for a developer, the developer would pay \$40 or \$50 for buildable square tax dollars. So the price really hasn't been reset as to what the market value is, and so if developers would actually pay \$50 per square foot, then maybe the TDR price should be set at \$40. So if I am a donor and I give Dade Heritage Trust a TDR at \$40, it's like me getting appreciate stock and I am donating something that is set by the legal rate at \$40. I would get a \$40 deduction and my tax rate is 39%. and they are getting \$13 or \$14 tax and that comes off their taxes which is equivalent to what they are selling for.

Avra Jain: I have sold TDR's from \$6 to \$9.50.

Scott Silver: Ok so if the market is \$6 to \$9.50 then...

Avra Jain: But now it is \$4.

Lyle Stern: Hold on, what you are proposing is that these credits could be donated, but there is no mandatory rehabilitation of this?

Both Avra Jain and Scott Silver: Indicated that there is.

Scott Silver: If I sold TDRs, then I have a covenant that runs with the property.

Lyle Stern: If the Federal government gives tax credits without a promise of rehabilitation, then I think that is different than a developer selling or not selling by private market. If there is no improvement on these structures being renovated, then how can that help with historic preservation?

Avra Jain: No, it doesn't work that way, I am not invested in my TDRs until I have done the work that I have intended to do. I have two choices, I either have to bond the job or I have to complete the work before the City and everyone signs off before I can transfer the air rights and get the money. I cannot legally transfer or donate the money until I have done the work or I have made my commitment or bonded the job to perform the work that I have committed to do in exchange for transferring the rights. People don't understand that it is a very big commitment on the part of the property owner.

Lyle Stern: You can't just sell TDRs without renovating?

Scott Silver: We are not looking for financial engineering here; we are looking for actual preservation work to be done.

Lyle Stern: What you are requesting must require a historic structure before the transfer, and the tax benefit before the underlying historic structure to be renovated or put in service.

Avra Jain: That already exists. That procedure already exists to make sure that the people weren't going to strip the air rights and run off and not get anything accomplished. There is also an ongoing covenant that runs with the property that requires you to maintain it. So that if you do not maintain the property, the City would have the right to come put a lien on the property. So you have an obligation to do the work and an obligation to maintain it.

Scott Silver: So now you have 95% of the people that have TDRs are not doing anything so nothing is happening with that 95%, since they are subject to the bonding and doing the work but the rest of them that are hoping to sell the TDRs know they have to bond and do the work.

Lyle Stern: So this basically would have to involve Federal law.

Scott Silver: If the ordinance is written in such a way that if you make a donation, and it is written in such a way that the ordinance allows you to donate it to basically a TDR bank, or to a non-profit, I don't think you need a change in Federal law. I can make a donation through a conservation easement to an organization and receive a \$100M tax deduction for it, but basically you are giving your development rights to that organization.

Avra Jain: I think the developers would want to donate to the non-profits and buy from them, because they know that money is going to good work. Sometimes they might not buy from another developer.

Scott Silver: And then you have the developers that haven't bought rights from Avra and they will go shop around to see which property owner owns it and it will be the TDR bank that owns it.

Arva Moore Parks, Chair: That in effect is the TDR bank that we talked about if it's a non-profit. Brilliant idea.

Scott Silver: I think that most property owners that shop around say, "Hey, you want to go ahead and buy my TDRs, or call me in ten years?" and then wind up with a tax credit that may be worth more than what they would get selling.

Avra Jain: Well these are things that people tell me about, and I tell them listen you should invest your TDRs because they are still an asset, maybe not in this cycle, but in the next cycle or the cycle after that. To your point earlier, these organizations are dynastic so whether you use them in this cycle or the next cycle, it becomes an asset to the non-profit organizations and I think it is kind of a win/win situation.

Lyle Stern: Would you argue if that you create that bank in the fluidity of the TDRs then it resolves the renovation of the historic structures?

Avra Jain: I think it would, absolutely, because right now I am looking at preservation properties and the TDRs are of no value and yet the sellers are including in the pricing for the TDRs. And I tell them good luck. So I tell them, if I know what my tax credit is for, then I can value that, and that is worth to me \$8.00 a square foot of TDRs and I am willing because the tax credit is real money. Remember I don't get the tax credit and I'm not allowed to sell until I have done the work. So will it help, absolutely?

Scott Silver: I wouldn't be able to donate it to DHT until I meet all of the same criteria as if we were selling it, and I have to enter into the covenant and I have to bond it and do the work.

Arva Moore Parks, Chair: That is an opportunity. Daniel, did you have a question?

Daniel Ciraldo with the Miami-Dade Design and Preservation League: He feels this would be an amazing concept to look into. This is a meeting about the County's Preservation Ordinance, so what oversight does the County have with regards to transferring development rights? I know that the City of Miami does it, but is there a way to do it through the County?

Neisen Kasdin: It would be through unincorporated Dade County, if it were in this ordinance. For municipalities, the TDR program would have to be done by the municipality, because you are transferring FAR or density under those cities' respective codes.

Avra Jain: I have only dealt with the City on my own TDRs.

Kathleen Kauffman: If we were to change our ordinance to include this program, this would be for unincorporated parts of the County.

Daniel Ciraldo: We could create a model ordinance and see if it works.

Arva Moore Parks, Chair: She thinks this is a very exciting concept because first of all the TDRs are not in the Dade County Ordinance at all, so one of our recommendations would be to do one, but this is a new concept with the donations to non-profit groups.

Neisen Kasdin agreed that this would actually work in some municipalities, particularly where there are restrictions of property development rights like Coral Gables or other smaller cities, and it works in the City of Miami, but as you know there is a flood right now of TDRs and the market is slow, but in jurisdictions where there is limited development rights, like in Miami Beach, the value of TDRs would be significant.

Avra Jain: But they are not letting us transfer in Miami Beach.

Neisen Kasdin: Out of the cities that have the most restrictive development rights, those would be the best targets for an effective TDR program.

Avra Jain: Agreed.

Becky Roper Matkov: Where in the County would there be certain areas that would be good for TDRs?

Kathleen Kauffman: We would not interface with other municipalities; the City of Miami has their own ordinance, and so the TDRs that are available in the City of Miami can only be transferred to properties in that city.

Scott Silver: Sender or receiver of the property would both have to be in the unincorporated part of the County. That is why there is less opportunity.

Arva Moore Parks, Chair: She does believe that if we set this up in the County's ordinance, then maybe we would have a model ordinance to promote to other municipalities.

Kathleen Kauffman: The other thing that is important to remember is that when you set up a provision for TDRs in the ordinance, take for example the City of Miami, they already knew exactly where they wanted to target it, for the MiMo District. They had already identified the receiving and sending sites before they even wrote that section of their ordinance. So that is an entire other aspect as to just writing a TDR section for our ordinance... there has to be sending and receiving sites identified, and I'm not sure who would be responsible for making that determination.

Avra Jain: So what happened was it was set up for MiMo, but what people don't understand is that there was a down-zone put in place in the historic district. So they offered the TDRs as a way to prevent the Burt Harris act from being used. Then when everybody saw how much money I was making, everybody wanted to start designating buildings, but what people don't understand is that \$1.75M of the \$2.25M was the Burt Harris down zone. I actually got cheated, I only got a half a point for being historic and the rest of the City was getting one for one and I got a half. Now everyone went out and started getting historic properties to \$2.25, I should be at \$4 in MiMo.

Arva Moore Parks, Chair: Really?

Avra Jain: Yes. So go there and buy the strip malls.

Neisen Kasdin: It was done as you said, to avoid the Burt Harris claims.

Avra Jain: And so as to being a contributing building, I only got enough for a bonus, in fact, at the time, historic always had one for one and now they said that the Vagabond got only a \$2.25M, but the truth is if everyone got a \$2.25M then I should be getting \$4M.

Arva Moore Parks, Chair: Can you explain the Burt Harris Act for the people in the room?

Neisen Kasdin: It is a State law that allows you to bring a claim against a local government for compensation for an action of government that diminishes the value of that property, and it could be an area wide or site zoning specification or an approval of a site plan. But it is a government action that doesn't go so far as a takings action of the whole property, but it is a government action that unduly burdens the property and therefore gives you entitlement compensation.

Avra Jain: The MiMo area along Biscayne was an area that you could build 12 stories, but then they put an overlay with a 35-foot height restriction. So everyone that had property there, basically there was a taking of development rights.

Scott Silver: What do you anticipate, for the TDR under the County, are there other areas in the County that are zoned in such a way that there are bonuses? Where are you going to use these TDR's?

Becky Roper Matkov: These places I think need to be identified, do you have any suggestions? Where are the historic areas in the County that could benefit from this?

Avra Jain: But where would be the receiving sites, where would you send the TDRs to?

Ramon Trias: We understand that, but the issue is that it is extremely complex. My question to Kathleen would be what kind of process would you set up to determine the receiving sites, because that to me sounds like a real challenge.

Avra Jain: That is a zoning thing.

Ramon Trias: No it is not a zoning thing. It is a way to determine future development of the County, and the technique maybe zoning, but unless there is some kind of overall vision and direction, it is very hard.

Scott Silver: To say that these are the areas that we are going to allow this development and use TDRs.

Ramon Trias: Exactly, that is very well understood, and no one is arguing with that, but having said all of that, we can establish the tool and in addition we need to do the planning work that implements in a way that is effective and creates the kind of County that we would like to have.

Kathleen Kauffman: There are probably several locations around unincorporated that could be receiving sites but I'm not entirely sure who would make that decision.

Ramon Trias: Well then you need to set up some kind of process for input and decision-making

Daniel Ciraldo: But isn't that usually done at the local level or municipality?

Kathleen Kauffman: No, if this TDR program is in the County ordinance, it would only be for properties in the unincorporated areas.

Arva Moore Parks, Chair: The most unique thing that has come up today is the donation. Feels that this can have a much bigger impact than a transfer area.

Avra Jain: This makes the non-for-profits have these development rights and then you go and get these other great opportunities to create new markets for transferable development rights, but you are banking them, you are holding them and then the planning department decides where there is new opportunity for them to get bonus opportunities.

Scott Silver: You may also want to write this into the County ordinance and hope that the municipalities stay out the TDR business. You want to encourage the property owners to do this, they should be protecting their historic properties and not just use them to generate TDR money for revenue. The City and the County should not be able to do it on their own properties.

Neisen Kasdin: I think a lot of them are discrete markets and some of them, like for instance Surfside, it arguably could be a good tool in promoting preservation in a municipality like that, if they offered a TDR ordinance.

Marilyn Carol: I talking on behalf of the little people. She lives in a building where they want historic landmark status and we have 2 of the 3 requirements. One, her building was built by Morris Lapidus so it was built by a famous architect, and two, a Noble Prize Winner Isaac Vishevus Singer lived in the building and there is a plaque outside of the building commemorating him. Three, we worry about a developer buying our building and demolishing it. The building is only 47 years old.

Arva Moore Parks, Chair: I don't believe that 50 years is set in stone.

Becky Roper Matkov: No, I believe the Marine Stadium was designated without being that old.

Marilyn Carol: So what should we do, can you give us any advice?

Kathleen Kauffman: This is not the Historic Preservation Board, I'm not sure this is the appropriate place for this discussion. This is the panel that the Mayor has selected to work on for revisions to the ordinance.

Marilyn Carol: Can we change the ordinance that talks about the 50-year rule?

Arva Moore Parks, Chair: That is not set in stone and we have already spoken about that.

Marilyn Carol: So how do we go about that?

Ramon Trias: Indicated that we need to keep on track with the Agenda.

Arva Moore Parks, Chair: We need to stay focus with what we are doing here.

Daniel Ciraldo: This is probably one of the owners that we can help to designate her building in Surfside, but her building was not 50 years old and it came down to the issue that the majority of the owners didn't want it designated and so that maybe a bigger hurdle for you. Well I will give you my card and we will talk further.

Arva Moore Parks, Chair: Well we need to stick to what we are doing here, ok?

Ramon Trias: Madam Chair I think that we have gotten excellent input from the visitors and I think that it is a great idea. Do you think we need to make a motion to recommend this?

Arva Moore Parks, Chair: Indicated yes let's do that.

Ramon Trias: Moved a motion to recommend a TDR program that includes a donation to non-profits as part of the program. Becky Roper Matkov seconded the motion. Motion was approved by all members.

Lyle Stern: Asked Ramon Trias to repeat the Motion?

Ramon Trias: That we propose a TDR program to be established that includes provisions for donations to non-profits as part of the program.

Avra Jain: And to add that the program maintain the intent, the same conditions and standards.

Ramon Trias: The same TDR program with the additional value of the donation.

Arva Moore Parks, Chair: I think that is a valuable and great idea.

Lyle Stern: Is there anything that prevents it now?

Scott Silver: I don't know about the County, but you have to have a sender and receiver site so here you are not selling a TDR to a location, but you are sending it to a bank and you are actually creating a TDR bank at the not-for-profit.

Ramon Trias: Or multiple banks.

Avra Jain: You have to redefine what a receiving criteria is.

Scott Silver: A receiving site or a TDR bank.

Ramon Trias: Wait, but that has to be established because right now there is no TDR program in the County, so we need to set up the receiving site criteria, and that will require some planning study.

Neisen Kasdin: I suggest though that before we make Kathleen and the staff do a lot of work, let's get an idea in the County in the unincorporated area on how many historic sites and districts this would apply to because the whole purpose of it is to provide a large scale renovation of buildings and so if we have a very small area that would benefit from it, we need to make that assessment first.

Ramon Trias: And what I was going to recommend afterwards...my recommendation on this would be to fund a study that is properly done, because this is a greatly complex question, as you are saying, and certainly it is not like Coral Gables, in which areas are easily determined. I do not think that Kathleen is going to be able to do it, staff is not going to be able to do it, and they will need some consultant or someone else to help them.

Neisen Kasdin: Staff may already have a pretty good idea as to the concentration of resources that need to be protected or not in the unincorporated areas.

Avra Jain: I think that the ordinance that the City of Miami already has are very good and I don't feel you need to recreate it, but it can be tweaked. I can't believe that not one person has done the property tax abatement program yet in the city.

Kathleen Kauffman: The City of Miami has been doing that program for several years.

Avra Jain: And they wanted to charge me \$10,000 to go through the process.

Kathleen Kauffman: I'm not entirely sure, but I believe the City of Miami recently changed what they are charging to go through that process, and now you also have fees for anything that has to go to the commission, so now nobody wants to do that program in the City of Miami. They've made it more expensive to apply for the program than the actual tax exemption they would get for rehabilitating the building. I don't understand why they would do that.

Avra Jain: Well anyway, they finally lowered the fee to a reasonable amount of money.

Arva Moore Parks, Chair: One thing, I was reminded we didn't vote on the TDR. There is a motion on the floor and a second. Motion was approved by group vote. We were asked to talk about incentives to go into the ordinance and that is what we are doing now. The tax abatement is a great incentive, and that needs to go into the ordinance as well, so this is appropriate for us to hear at this time.

Kathleen Kauffman: We already have this program and we have been doing it for more than a decade. . Avra Jain is talking about the 10 year ad valorem abatement which we already have in place.

Ramon Trias: And the critique is that nobody uses it, and they should use it, and it should be an easier process.

Avra Jain: The County does a good job.

Kathleen Kauffman: Our fee structure is not at all like the City of Miami's fees. I believe Arva might be referring to the other tax exemptions that we were talking about that still need to be included in our ordinance, the one where if you are a designated historic building, there is the ability for the property to be assessed at 50% of its value; and that would be a huge incentive, but that one is currently only available to commercial properties and non-profits. Which I don't really understand because I didn't think non-profits were taxed anyway, but that is the way that statute reads.

Ramon Trias: What was the thinking behind that distinction?

Kathleen Kauffman: I don't know, that is the State statute that enables us to use that if we want.

Arva Moore Parks, Chair: So this would be involving the State legislature.

Kathleen Kauffman: Well I think this panel could make a recommendation to go ahead and include that one in our ordinance, even though it is only for commercial, and this Panel can also request that the County encourage the State legislators to modify that program so that residential could qualify, and maybe it is not at a full 50%, maybe it is some other percentage, but anything would be great for preservation purposes.

Arva Moore Parks, Chair: It would be a great incentive.

Kathleen Kauffman: There would be an actual incentive, whereas right now there is no incentive just for the sake of being designated.

Arva Moore Parks, Chair: Do you all agree with that?

Becky Roper Matkov: I would like to make that motion. I would like to make a motion that the County recommends inclusion of the tax credit of 50% of assessed value which the state allows for non-profits and commercial properties, and that we actively encourage the state to pass legislation, enabling us to extend that to residential historic designated properties. Ramon Trias seconded the motion.

Arva Moore Parks, Chair: We also talked about mitigation and impact fees.

Lyle Stern: Take my example for a minute, you have a historic building where you are changing the program and use, like what you did at the Vagabond, and going from what was a hotel lobby to a restaurant, and the fees around that are substantial, and so we are talking about maybe mitigating and changing those impact fees right?

Arva Moore Parks, Chair: Well we are talking about that change now, only for historic buildings, and that would be a real incentive.

Neisen Kasdin: Well the big impact fees that you would pay for are for things like the water and sewer. The big problem that you have, for instance, as to a renovation of a historic building, is that when you change the use of a historic warehouse and it is going to be a restaurant, so then you have to spend \$2M dollars widening the sewer line that is there, and you have to pay an exorbitant amount of impact fee for that change of use. So the way these impact fees are structured, they actually work against adaptive use.

Arva Moore Parks, Chair: Can we look into that?

Avra Jain: If you would like me to look into that I can get you some feedback. I don't know if you will get around to a 12" water main, but actually for motels it is not that bad, but as of right for the restaurant because of previous use, but for your point, for another building where you are changing the use and impact fees and changing the 12" water main, the impact fees would be huge.

Neisen Kasdin: Yes, but that could be compounded by the fact that you have to change the main water main not only for your property, but for the entire segment.

Kathleen Kauffman: So is there was a legal way for this ordinance to address somehow reducing the fees that you would normally incur by changing the use when you are rehabbing a historic building? Because that would be desirable.

Scott Silver: Also, when you change to retail, you also have to provide 40 parking spaces.

Neisen Kasdin: That is regulated by the local government.

Scott Silver: That applies to unincorporated areas too.

Lyle Stern: There may be a couple of different solutions here... to me clearly, one is the sewer line fees and when you have to widen sewer lines, that is one conversation, and the other would be the property's impact fees which would be great if they could be eliminated for historic structures or reduced substantially. We are looking for historic structures to breathe new life into these areas. The third is parking, because areas need parking over time. I think we, as developers, have to contribute to a parking impact fee, and these are separate avenues we need to address.

Ramon Trias: The issue of parking really limits development completely and sometimes you have an existing building that prohibited parking some years ago, but now it is changing to a restaurant and the needs change. You are absolutely right.

Scott Silver: What I am talking about is where it is a historic structure that you are changing the use, and that shouldn't trigger the initial parking requirements.

Ramon Trias: And that involves a physical design.

Neisen Kasdin: And remember what we are talking about in this context, about historic structures. So a lot of buildings that are historic or non-historic, when you face those same issues, they becomes an impediment to revive the situation.

Lyle Stern: Ultimately if you do not have some type of mechanism to create parking, for instance, you might have 150 cars coming to the neighborhood and disrupting the neighborhood behind the building, so I think you require structured parking in a district separate from not having to provide parking on the spot.

Scott Silver: Like I was saying, put the burden of providing the parking lot on the properties that are not renovating historic structures, which will give historic structures a leg up to encourage historic preservation and you can leave the parking imposition on them.

Neisen Kasdin: Parking largely is going to be a matter of the municipalities and not under unincorporated Miami-Dade County. I think where we can really make a difference on the impact fee issue is going to be on the things like water and sewer; transportation; and impact fees and the need to pay upgrades for infrastructure. The County controls these, and some cities have impact fees as well, but the County can make a meaningful difference if it is in connection with renovation of historic properties if those fees get waived. So rather than talk about things that are mostly city issues that we can only offer our opinion on, we are here as our capacity as an Advisory Board to make recommendations to the County Code and procedures.

Kathleen Kauffman: While it would be fantastic to be able to provide some relief for some of these burdensome fees that they are having to pay when they are renovating properties, I thought that we had previously asked our attorneys at the last meeting if that could be done,

and the water and sewer and transportation impact fees could not be touched. That was my understanding?

Neisen Kasdin: Well we are talking about utilizing the fees; we are talking about getting away from the concept of assessing impact fees. That is a briar patch that I have dealt with for over 30 years. We are talking about county fees for water and sewer and transportation, and an ability to get an exemption from those fees.

Lourdes Gomez: But you are talking about fees that are different from the actual road impact fee? Because the road impact fee exaction issue is the one that Dennis Kerbel explained here on a different occasion.

Neisen Kasdin: Dennis gave a great tutorial that time. In that context, we were talking about imposing an impact fee on development generally to be used to create a fund to be used for preservation. That is an impossible task, to come up with a sustainable and defensible impact fee in that regard, and I think that is what Dennis is cautioning us about. But we are looking at the flip side of it or another side of it.

Lourdes Gomez: This would be simply not charging a fee, and that suggestion can be a part of your recommendations, so long as the impact fees continue to exist?

Neisen Kasdin: Dennis wasn't talking about what I am talking about. For instance you can be in an exemption area, and not have to pay the transportation fee. I am sure that we can come up with some legally defensible method of saying you get an exemption from the fees if you do historic renovation.

Lyle Stern: I'm sorry Neisen you are talking about not paying for the fee, but you still have to pay for the work, for example, widening the sewer lines.

Neisen Kasdin: There are two things. Paying for the upgrade of the infrastructure and the second is the actual fee that you have to pay; and I'm saying that in both instances, I think that we can come up with a defensible rationale for why those properties can get an exemption from it that will not create any problem with the other kind of stuff that Dennis was talking about, which is the imposition of an additional impact fee on development to benefit preservation, which is not defensible.

Ramon Trias: I completely agree with Neisen, and I feel it is a great idea and understands what he is saying - that exemptions for historic preservation can be mapped and clearly defined and thinks it is a fantastic idea and we should do it. That is my Motion and I move that we do that.

Patricia Cohen: She comes from Bal Harbour, and she is an elected official, and has attended several conferences and forums on parking. Looking ahead as to the parking situation in the United States, the research seems to indicate that parking and the use and need for parking is

reduced right now. It is actually declining, and some of the more progressive cities such as Portland, and Austin, and Palo Alto are changing their ordinances right now as we speak and reducing their parking requirements. Also, self-driving cars are on the horizon, which has been predicted within the next five years. They actually said something that for the current development going on, they will be putting in place the infrastructure as soon as this major transformation takes place, they can cover these parking lots and turn them into habitable dwellings commercial or residential because they predict there will be significantly less requirements for parking lots.

Neisen Kasdin: I wish more local officials would speak like that.

Ramon Trias: I would like to say something about parking after we get done with this motion. I make a motion that we propose that we do a study and review of the application of the impact fees and consider exemption areas and exemptions for historic preservation properties. Dolly McIntyre seconded the motion.

Arva Moore Parks, Chair: All those in favor say "I". Motion passed unanimously.

Ramon Trias: Let me say something about parking because in the Coral Gables building code it states: prior to 1962, I believe, which is when the parking ordinance was in place, you don't have to provide parking. So to me, that is really smart and the other thing it says that: buildings that are less than 4 or 5 FAR within downtown don't have to provide parking. So those are very helpful things for the type of goals that we have for historic preservation.

R. Jollivette Frazier: I think that we should start considering that the population is aging and if there is no place to park you can't access the facility because without a comprehensive development plan that puts you all within a few feet from where you want to go, you just don't go there.

IV. REVIEW OF DRAFT LETTER TO MAYOR, FROM THE CHAIR

Arva Moore Parks, Chair: Ok, I think we are making some great progress and I thank you all so much and I think you have given us the donation idea and I think that is the best I have heard in a long time. I really think that is a great one. The next thing, the draft letter to the Mayor, Neisen had asked some questions and I think that may come up in the draft letter.

Neisen Kasdin: Well he feels that we haven't finished our work yet on the ordinance revision so he is not sure if we are ready to send the draft letter to the Mayor.

Arva Moore Parks, Chair: This is not to be sent, this is only for discussion.

Kathleen Kauffman: Arva had asked us to figure out a way on how the recommendations from this panel would be presented and how would they go to the Mayor. We realize there

may be more added but Arva decided that the format should be a letter from the chair to go to the Mayor and it would bullet point the recommendations.

Neisen Kasdin: The only thing that I would suggest that in terms of the recommendations as part of an ordinance revision, we are talking about some things that are not really within the historic preservation chapter like the impact fees and others and feels that we should segregate changes to the ordinance and changes to other parts of the County Code that are also recommended and then we will have the general recommendations as well.

Arva Moore Parks, Chair: I think that we should read this over and then have a discussion as to what is on here. Now we have to come back with the TDR requirements for the next meeting so this is to give you some of the list of things that we have already been talking about and voted on.

Lourdes Gomez: I also want to make sure that there are no objections to that because we summarized which has been discussed to date, and will add to it whatever you have done to date. So I want to make sure that there are no objections to what has already been listed.

Arva Moore Parks, Chair: She received a letter from the Mayor asking as to how we were coming along and kind of encouraging us to finish. I think we are doing a great job and we need to get some things in writing and decide.

Ramon Trias: Doesn't know how much more work they can really do beyond having concepts and recommendations because implementing those ideas is a significant amount of work and realistically I don't think we can take this on in the next two or three weeks. He feels we are at a point that we can send the letter to the Mayor.

Arva Moore Parks, Chair: But we do need the TDRs to come back.

Ramon Trias: Yes, but how much more can we really say.

Lourdes Gomez: The Mayor needs to really get those recommendations because we haven't had that discussion with him yet either. Obviously it will give us direction on how to continue working on ultimately on what gets enacted.

Ramon Trias: All we can do is really give you ideas and take them on and implement them.

Lourdes Gomez: Some of them will be easily implementable and as you know we have to have language for some of these elements and ordinance changes already, and others we have to look at more carefully and then bring separately in the future.

Ramon Trias: The point that he is making is more valuable to throw those ideas out and to put them out there instead of spending a long figuring out on how to implement them. I think, and that is just my thought?

V. OPEN DISCUSSION BY PANEL

Arva Moore Parks, Chair: Is there any more discussion? We need to come back with the TDR language as to what we are going to recommend and to have it in writing along with the other recommendations we are asking the Florida Legislature.

Kathleen Kauffman: I'm sorry, do you mean to have the TDR ordinance actually written out?

Arva Moore Parks, Chair: No, just the recommendation as to what we want to include in it, and it is not on the list currently.

Kathleen Kauffman: Correct, because everything that the Panel does today will need to be added.

Ramon Trias: Yes we should have a final meeting to have a final draft.

Dolly McIntyre: Can we get this a few days in advance so that we can read about and think about it before we meet?

Arva Moore Parks, Chair: We also have recommendations of the staff's ordinance that was sent to you and you need to make sure that you read through it.

Dolly McIntyre: It was sent, I didn't get it?

Arva Moore Parks, Chair: Well we will send it out again to make sure you get it this time. We have added most of the things that everybody has wanted.

J. Bruce Erenhaft, Dade Heritage Trust: I have a thought if I may be very brief, he attends the Homestead HP Board meetings on a regular basis and they started thinking outside of the box where a government entity has control over and builds for consumption of utilities. They started thinking about what gets abated for charging for the utility usage. Now they don't use FPL for example, they have their own utility providing electricity in the Homestead area, and the HP Board is working with the municipality and the utility company to offer a 35% abatement on the electrical bill. I don't think that FPL would play ball, but for water consumption maybe you can look into possibly abating water bills if a structure is historically designated.

Arva Moore Parks, Chair: Well that is something to look into too regarding the water bill. Neisen, you had some questions that you wanted to discuss at the prior meeting that you never discussed.

Neisen Kasdin: The most important part of the ordinance he feels the panel needs to look at is the evaluation criteria, and to make sure that they are broad enough to include everything

that should be considered so that the property can be fairly evaluated from the preservation perspective and as to the property owners. He had made a number of suggestions that he would have loved to discuss if we could. The other thing is that I know that Stanley Price could not be here today, but it might make sense, and Stanley is a great lawyer, and understands these concepts extremely well, if we could defer the discussion until the next meeting and possibly Stanley can be here.

Arva Moore Parks, Chair: Well he has missed every single meeting, Neisen, so I don't have a lot of sympathy. He's been appointed to the Panel, but he has never come, so somehow that tells me something.

Neisen Kasdin: Well I think he had some health issues.

Arva Moore Parks, Chair: Well maybe that was communicated to staff.

Neisen Kasdin: Well I don't know I haven't spoken to him, but if you would like to discuss this now, we can discuss it.

Arva Moore Parks, Chair: I think we would want to discuss it now.

Neisen Kasdin: Well I think this is the guts of it in terms of whether or not people are being treated fairly or not.

Let's go to 16A-10 which is the designation processes and procedures, and specific criteria, because it is the criteria that determines whether or not a property could be designated contributing, or a district can be designated historic as well and this is particularly important with respect to individual properties. He believes that as criteria as it sits today, is completely lopsided. It basically states today that if you hit any one of 6 things, which are a, b, c, d, and e; no matter if it is contrary to a city's comprehensive development plan or master plan or whether it is contrary to economic objectives and community; whether it is consistent with the revitalization of an economic plan for a neighborhood whether it imposes a tremendous burden on a private property owner and none of those are to be considered. After that presumption is made, and you have a case for economic hardship, you can then present it, but that is only in defense after it has already been assumed after the property has already been designated. So you have one criterion to be balanced against the other important elements for a community; jobs, economic, transportation, individual circumstances and financial circumstances. If you meet one criterion of the 5, you can be designated and that is it.

He doesn't think that is fair and thinks what we need to do is introduce balance into the criteria so that we can consider other factors and then it becomes a weighing test and to give you an example of that, let's say you have a building in Miami Beach, there was a building that needed to be built on Indian Creek Drive and Regatta Street and there was a very undistinguished and economical MiMo building, that actually a chard of it had to be preserved and incorporated into this structure, which was a beautifully designed new structure I would say a better structure

and superior architecture to what it was replacing it and there is no consideration to that given at all. I also like to use this example as well, if this criteria that the County has was in place in Rome when St. Peters was built, then it would have never been built because old St. Peters was a beautiful church too, but under this criteria that was part of the old St. Peters to build the new St. Peters.

Arva Moore Parks, Chair: With all due respect, this is a historic preservation ordinance and we are not here to talk about...

Neisen Kasdin: Well we are here to talk about fairness and balance.

Arva Moore Parks, Chair: I think we are here to talk about preservation and the preservation ordinance.

Morris Broad, V. Chair: I would agree with what Neisen is saying as to there has to be a balance and fairness. You can't approach, in my opinion, preservation with a meat ax and this is what it does and this is what causes this division and I have seen it happen in a condominium or a co-op where it pits one owner against another owner when the vast majority of those owners do not want preservation. There has to be some respect for the feeling of people's well-being and their property rights.

Arva Moore Parks, Chair: We already have it here now that it will be the condominium association and that is what we have already proposed so that put's that into place.

Morris Broad, V. Chair: That's fine, but there are other provisions here that go in addition to what we refer as to the Chicago.

Ramon Trias: I think that Neisen has brought up a good point, but feels that the ordinance is not the right tool. One of the things that he has tried to do under the Board of Architects in Coral Gables is that they have an additional document called "Best Practices" where we can have all the issues raised and put in that you are talking about. For example, the building is nicer than the one being proposed, but an ordinance with only a few words is so difficult to have that conversation in a way that is effective. I don't think that I would support changing the ordinance, but I would support some kind of manual that is attached to it that deals with best practices and includes criteria.

Michelangelo designed the St. Peters and then it was added on by Carlos Maderno and that was pretty good, and your right, but I don't think that we can have that discussion in the ordinance, but we can have it as a Best Practices manual and that is what I would recommend.

Neisen Kasdin: If I may, the single most important decision that should be made is the designation of an individual property. I believe that is the place for that discussion that needs to be had. It doesn't mean that all of those criteria will apply. So for instance, if there is no

proposed substitute structure, but that is the point in time, because once the designation has occurred, in essence it is over.

Arva Moore Parks, Chair: That is an appeal process of designation.

Neisen Kasdin: I would like to go through each individual item that I'm suggesting and tell you why they shouldn't be considered.

Ramon Trias: When you say like in the top, "due burden" on the first one, how would you define that and that is a recoverable question and it would be very difficult to make that something as an adopted discussion I think?

Avra Jain: Neisen I have been very successful, and the historic preservation offices have been very helpful, and she thinks that combining the old and new aren't as strict as he may fear. When you designate a building there is a way to say that the design criteria is important an especially when it applies to a district. So if I buy into a district, I want to know if the building next to me is going to keep that design criteria. As a preservation officer you can decide how much of that building needs to stay, but I want to know that the design criteria is there because in a way it protects my property values.

Neisen Kasdin: Well this is more about individual designations, but it also complies with this. Let me also tell you the prospective. I have had very good experiences working with historic preservation boards and cities that sometimes are very progressive and recognize good design and other community interests and will balance that. It happens and I have seen situations where the opposite happens or similar situations where they are rigid, arbitrary or doctrinaire. The reason why we have criteria is so that you are not dependent on having a good board, or a bad board, or a good staff or a bad staff, that there is just a definable criteria that you can go to when times are bad and rely on as a stand post. We just can't rely on some cities are good and how they handle this.

Lyle Stern: Well this is why we are here and address this.

Morris Broad, V. Chair: The reason we are here now is because the appeal process works to the detriment of preservation, because the preservation board took an arbitrary position and the County Commission reversed it. Two cases now and I am inclined to think it is a precedent, and it is going to continue and it shouldn't continue. To me the lack of sensitivity on the part of preservation up to this point is what brought about the need for the revisions that we are addressing here. So seeing that you can appeal is really not the whole answer. He feels that appeals will not work in favor of preservation looking ahead in his opinion.

Scott Silver: We have dealt directly with these involuntary designations. If the individual criteria will now suggest that we consider these issues, and analyzing it and required to make the following and findings, then you won't be able to do any involuntary designations.

Neisen Kasdin: That is not so Scott, and we need to go over the individual criteria. I can't believe that and I would like to talk about these specifically and see if why any of these shouldn't be included in the ordinance.

Arva Moore Parks, Chair: Neisen, we wouldn't have had the Art Deco District if this were in the ordinance. We wouldn't have had it, period.

Neisen Kasdin: That is not so. I have one criterion as to undue burden on an individual property owner and what can happen.

Neisen Kasdin: The property owner can come and say if you designate my building, it is going to create this burden for me. The Board may consider this, along its criteria, but at least the Board did have to consider that. The board has to consider that now, not after they decide the merits of the preservation. I am asking that the designation be consistent with the applicable sea level rise adaptation; goals, objectives and policies of local governments including comprehensive or other planning objectives, and feels that is something important to consider and doesn't see why it shouldn't be considered. Adaptive reuse of the property will remain feasible after the designation based on applicable, local zoning regulations and other building code requirements. If you do not have economic feasibility for the property and it is designated, it can be converted to another use that is sustainable and it should be a factor.

The scope and extent of the required maintenance clause that is following the designation shall not hinder in any individual owners ability to pay for these costs. The relative balance of maintaining this historic element is not significantly outweighed by the value of the new architecture or features proposed at the same location. That is the new St. Peters. Someone comes in and states I want to build a new St. Peters and the board may see and say that merits not having designation. The designation is consistent with revitalization goals, objectives and policies, and local government's Comprehensive Plan. Why should we not have to look at their plan or their planning objectives? Why should we not have to look at a City's or the County's revitalization goals, objectives, and policies, and not create an undue burden? A Board can look at all these criteria and find that that is not a basis for stopping designation and go ahead and designate.

Dolly McIntyre: I agree with Ramon. These don't belong in the ordinance; they belong in a manual of best practices. This is like statistics. You can make statistics say anything you want, and I can come up with an undue burden and you can come up with not an undue burden. For example, sea level rise – are we not going to designate the Cape Florida Lighthouse because it's going to be flooded? I think these things are important to consider in the process, but I don't think they should be legislatively required. I think it throws a real skew into the process. I know you are looking for fairness, and ideally the purpose of preservation board's is to create dialogue between the owners of property, and the Board, and the community interest. If the boards are functioning well, fairness is an integral part of that. To try to legislate these things is going to be a serious impediment.

Neisen Kasdin: If I may, Madam Chair, because I think there is a bit of a misunderstanding? I understand what you are saying, Dolly. These would only be things that would be considered as part of the process. All this does is say that in the process of designation, you need to consider these things. Remember the role that the Board has – the Board sits as a judge, the judge as to whether or not something should be designated and that is based upon the law. The law in this instance is the criteria. What can the judge consider? What can the judge not consider? What I’m saying is that the judge should be able to consider these things, not that they have to find that any one of these things exists, or, even if they find that they exist, they still can proceed with historic designation, but at least they will have considered these criteria.

Dolly McIntyre: But you say in your text “shall also be required to make the following findings...”

Becky Roper Matkov: Maybe if you said “may consider the following...”

Arva Moore Parks: I think the best practices booklet suggested by Ramon is the best way to address this.

Neisen Kasdin: I would like to address that, because that’s a good point. Frankly, all I’m looking for is that these are considered. I would be satisfied with language that says, not that they have to make those findings, but that they shall consider. That’s all I’m looking for – consideration on it.

Morris Broad: I agree. I think it’s constructive. I think it will preclude, in large measure, a lot of the divisiveness that is going on within the last two years by the County Historic Preservation Board. Plain and simple. If we want preservation to be effective, as we all would like to see it be, then I think the work of this committee in making recommendations to the Board of County Commissioners is imperative. Otherwise, why are we taking the time month after month, to not look to try to improve the effectiveness of preservation? This is not an exercise in trying to defeat preservation; this is an exercise in trying to make it more effective. Part of making it effective is taking into consideration, as Neisen has suggested, is having a dialogue at an appropriate time, not doing something that then needs to be changed or corrected by an appeals process. An appeals process, in my opinion, is not healthy for preservation, not at all.

Arva Moore Parks: I think when you read the purpose of the preservation ordinance, it makes it very clear. You might want to go back and read the purpose.

Neisen Kasdin: I think the purpose needs to be modified as well. I frankly think that it is fundamentally unfair that the ordinance, as drafted, considers nothing other than preservation criteria. It does not consider the individual property owner; it does not consider community needs; it does not consider community goals; none of that, at all, is considered in this ordinance as a basis for the decision to designate or not designate. To me that is fundamentally unfair.

Patricia Cohen: I would like to preface this by saying that I am not attorney, and I have no legal background, so I would hesitate to take on a formidable opponent, like Mr. Neisen Kasdin, but I can speak from my personal experience. The elephant in the room is that the foremost incentive for any property owner is the dollar sign, and I have been there, so I speak from personal experience. I, and a couple other owners were responsible for safeguarding and getting a property designated on Collins Avenue in Surfside. It is the oldest [apartment] building built [on the beachfront] in Surfside, which is the Seaway Villas. The Four Seasons wanted to purchase it; we had protracted litigation with them; we ended up selling, but first we got the property designated. It was very difficult because most of our fellow condo owners did not want their sales to be held up in any way. They just wanted their money and they wanted to run. That was the one main objective. Mostly, people's main consideration is their finances and how those will be affected. Historic preservation should not deal with that. It's about the bigger picture, and how are we going to preserve properties for our entire communities into perpetuity.

Ramon Trias: I would prefer to keep this discussion within the members of the advisory group, because I think we are going to end up having some kind of motion soon. I think there are some of the criteria that may be acceptable. From my point of view, I think the way this is written is making it too much of a requirement. At this point, I cannot support this proposed language. Maybe if Kathleen can take a look at it?

Neisen Kasdin: I think Dolly also raised a very valid point, that instead of mandating that the findings be made a requirement as part of the criteria that it is simply considered, I would be willing to sit – because I do intend to go forward with a motion for this – but I would be willing to sit with Kathleen and see if we can come up with something that I think would be acceptable.

Ramon Trias: Why don't you make a motion on whatever you want to propose and see how that goes?

Dolly McIntyre: I don't think we're ready for a motion yet. I think it needs reworked. There is a happy medium between you and me, frankly.

Arva Moore Parks: I think your motion would be defeated, quite honestly, as I look around the room. I think it would be to everyone's advantage for you to work on it. Or maybe we should just defeat it now?

Ramon Trias: I would like to make a motion to reject the language and maybe we can have some other language in the future, but I think that would be appropriate at this time. Specifically with regard to Dolly's comments, which we are all in agreement with, this language makes it too much of a requirement. It probably should be more of a consideration, and I think some of the proposed criteria may not be a good fit in the ordinance. I am not happy with this language.

Neisen Kasdin: If you would not mind, rather than having a vote against this language that I've proposed, I have heard Dolly's concerns and your concerns, and I would like to take a shot

with Staff to sit down and see if we can come up with something that might be acceptable to a majority of this group.

Arva Moore Parks: I think it is important for Staff to also review the Federal requirements for preservation ordinances, because that involves grants and all kinds of other things. Owner consent, I know, is an issue nationally with regard to federal grants, and this is getting very close to owner consent.

Neisen Kasdin: This is not even close to owner consent.

Arva Moore Parks: I disagree. I think you need to have a discussion with Staff and bring it back at the next meeting.

Becky Roper Matkov: We did not get to a discussion on your proposed language under number 1 [Declaration of Legislative Intent], but that is one thing that should not be changed, because the addition you've proposed, because by adding that "provided however that any such action is consistent with and enhances the health, prosperity, and welfare of the County, its residents, and the municipalities subject to the provisions of this Chapter," that is just opening up a Pandora's Box of subjectivity. The purpose of the County Historic Preservation Ordinance is stated very clearly and very well already in the first sentence, without any addition. I feel very strongly about that.

Neisen Kasdin: There are a number of other changes that I've touched upon in my proposed revision that Staff has touched upon already and has already incorporated into their changes.

Lyle Stern: We certainly can't have any regulation that doesn't view these issues. Sea level rise, for example, is a significant issue, so what do you do with historic buildings that are uninsurable and in flood zones, and it is a significant burden?

Dolly McIntyre: Well it's not just the historic buildings that are going to be uninsurable.

Lyle Stern: I completely agree with you, but we are dealing with historic buildings. That's why I think Neisen's comments are so relevant. We can't just turn a blind eye to it.

VI. HOUSEKEEPING

Arva Moore Parks: Is there any other business to come before the Board today? Any housekeeping?

Morris Broad: Yes, a few things under Housekeeping. The last meeting of the Historic Preservation Board was over at the Audubon Society. I live in the neighborhood, and it took me a good 15 minutes to find it, and the only way I found it was I looked for a prehistoric forest in the middle of downtown Coral Gables. Mitch Novick made a comment that he had a little bit of a problem finding it. It certainly was worthwhile, and I think it's important for people in

preservation to see these things. However, what I had mentioned to Kathleen was the idea of having a fixed place each month for the Board to meet. Namely, if it could be in this facility, I think it would encourage attendance. Kathleen had said to me that she had been trying to accomplish that, but was not successful in that effort. I would like to please just make that recommendation, because one preservation meeting was at the church near the Venetian Causeway, now there is the Audubon Society. I just think that continuity, if it is possible to achieve...we should implement that as a suggestion.

Becky Roper Matkov: I would like to reinforce what you're saying, and I would also like to make it even stronger. I noticed the City of Miami's Preservation Board meets in the City's commission chambers, and it is televised to the whole city. I think the Preservation Board for the County deserves as much recognition and respect as the City's Preservation Board. I think if the meetings were held in this building, whether it's in the chambers or another room, it would make the quality of discussion more important, it would make the audience more attentive, and I think it would elevate the status of the Preservation Board within the County. I not only support having it in one location, but also in a very accessible place, and well publicized. That would really enhance the reputation of preservation in the County.

Arva Moore Parks: Could we have a motion on that recommendation?

Morris Board made the motion to recommend that the County Historic Preservation Board hold their meeting in the Stephen P. Clark Center each Month. **Ramon Trias** seconded the motion. The motion was approved by group vote.

Morris Broad, Vice Chair	Yes
Rodolphe el-Khoury	Absent
Neisen Kasdin	Yes
Becky Roper Matkov	Yes
Dolly McIntyre	No
Arva Moore Parks	Yes
Stan Price	Absent
Lyle Stern	Absent
Ramon Trias	Yes
R. Jollivette Frazier	Yes

Dolly McIntyre: I'm opposed. For example, would you have ever been to the Audubon Society house?

Morris Broad: Well, I would have gone had I been a member of preservation board who had an orientation that says, "Here are these 3 or 4 or 5 places that, as part of orientation, we want you to go to."

Arva Moore Parks: The Board could also hold a special meeting in one of these locations.

Dolly McIntyre: I frankly find the Stephen P. Clark Center a difficult place to get to.

Kathleen Kauffman: I just want to make it clear that we reserve our meeting rooms a year in advance and sometimes we are kicked out of the County conference rooms, and sometimes they are not available. It's not a matter of us just randomly choosing to have the meeting in other locations.

Morris Broad: I appreciate that Kathleen; I just think that a recommendation from this group gives you a little more power.

Kathleen Kauffman: Sometimes we also have had to deal with very large crowds, and so we moved to the larger space across the street, like at the library, because there are not rooms here in this building that can accommodate that large a crowd.

Arva Moore Parks: You can't use the commission chambers, like the City does?

Lourdes Gomez: Use of the chambers is controlled by the Chair's office and the Board of County Commissioner meetings are the priority there. I have seen other resolutions directing that other meetings occur there and that they be televised, so that can occur. The issue is going to be for the Historic Preservation Board, that if you want it there and they are mandated to meet there, they may have to start meeting at 6:00 pm because their current meeting time does conflict with Board of County Commissioner meetings, committee meetings, and zoning meetings.

Morris Broad: It's at least a point that may get their attention to see what, if anything, can be done. My only other comment is personally, I have great respect for Kathleen and her staff. I have expressed that many times. I think they are true professionals and the problem that I perceive is that with such a small staff, so many potential designations have been made that it's impossible to be able to efficiently address all the requests that have come from the Preservation Board. I for one think it is important that her staff be enlarged. One of two things has to happen, either the Board has to stop designating every building that they look at, because it's impossible for the staff to efficiently handle it, or I would look to try to sufficiently increase Kathleen's staff. Unexpected things happen; Bay Harbor Islands was supposed to be, I imagine, in the purview of some people in preservation, a slam-dunk to make it a district. You walked into a hornet's nest in Bay Harbor Islands, simply for the fact that many, many of the people who live in those buildings did not want designation. If they wanted designation, they should have it, and it doesn't have to be a majority, it can be 2/3rds, it can be 3/4ths, but you can't turn your back on that. Going back to the staff situation, I also think, hopefully, that there will be a greater recognition of the work that Kathleen and her staff have done and are doing. I was privy to a situation where a negotiation was worked out by staff, recommended to the Board, and the Board turned it down. What did the Board now get? They are going to get a vacant lot. That, to me, is not sensible. So, I speak to the fact that I do think there should be encouragement to expand the professionals who handle preservation.

Dolly McIntyre: I second that.

Arva Moore Parks recognized the motion and a second and asked for a group vote.

R. Jollivette Frazier: I would like some discussion. I am impressed with Kathleen, but I don't know the size of the staff. I don't know the scope of the staff. I don't know how much backlog the staff might have, and I don't think that's within the purview of the directive to this committee.

Morris Broad requested that Kathleen speak to Ms. Frazier's concerns.

Kathleen Kauffman identified her staff, all of which were in attendance. Jeff Ransom is the County Archaeologist, and Sarah Cody is the County Preservation Planner.

Dolly McIntyre: That is inadequate for the County.

R. Jollivette Frazier: Well I see a nightmare with every advisory group or board recommending how many people should be on the staff. What do you do when budget hearings come around? Is this something that you are going to mandate in the ordinance how many people are on the staff?

Arva Moore Parks: Not all County boards are created and mandated by their own ordinance; that makes the Preservation Board a little bit different.

R. Jollivette Frazier: So the ordinance will mandate the number of staff?

Arva Moore Parks: No, we are simply making a recommendation that the County consider increasing the size of the current staff, it would not go in the ordinance.

R. Jollivette Frazier: This just doesn't sound like language appropriate for an ordinance.

Dolly McIntyre: It is not language for the ordinance; it is just a separate recommendation, because the reality that we see is that the staff is too small for what they are asked to do.

The motion was approved by group vote.

Morris Broad, Vice Chair	Yes
Rodolphe el-Khoury	Absent
Neisen Kasdin	Yes
Becky Roper Matkov	Yes
Dolly McIntyre	Yes
Arva Moore Parks	Yes
Stan Price	Absent
Lyle Stern	Absent

Ramon Trias	Yes
R. Jollivette Frazier	No

Arva Moore Parks: Any other items to come before us today?

VII. NEXT MEETING: March 3, 2016.

VIII. ADJOURNMENT

Morris Board moved for adjournment.

Arva Moore Parks, Chair adjourned the meeting at 11:02 am.